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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,368	09/20/2004	Sven Morein	026220-00054	4091
4372	7590	01/07/2008		
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER AHMED, HASAN SYED	
			ART UNIT	PAPER NUMBER
			1615	
			NOTIFICATION DATE	DELIVERY MODE
			01/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

Interview Summary	Application No.	Applicant(s)	
	10/507,368	MOREIN	
	Examiner	Art Unit	
	Hasan S. Ahmed	1615	

All participants (applicant, applicant's representative, PTO personnel):

(1) Hasan S. Ahmed. (3)_____

(2) Yelli Kim. (4)_____

Date of Interview: 20 December 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____

Claim(s) discussed: _____

Identification of prior art discussed: _____

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative suggested an alternative groupings with respect to 371 lack of unity (see attached fax dated 12 December 2007) Examiner disagrees with the proposed alternative groupings. Thus, the original 371 lack of unity groupings stand.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Facsimile

Arent Fox

Date: December 12, 2007

Pages (including cover): 2

Attorney: 2298
Client-Matter: 026220-00054

Yelee Kim
202.857.6147 DIRECT
202.857.6395 FAX
kim.yelee@arentfox.com

PLEASE DELIVER TO:

Name/Company	Fax	Verify
Examiner Hasan Syed Ahmed	(571) 273-4792	(571) 272-4792
U.S. Patent & Trademark Office		

MESSAGE/INSTRUCTIONS

Re: ***Proposed Restriction Requirement for Discussion with Examiner***
Application Serial No.: 10/507,368
Inventor(s): Morein et al.
Attorney Docket No.: 026220-00054

Dear Examiner Ahmed,

Thank you for your telephone call on December 11, 2007, regarding the pending Restriction Requirement for the above-identified patent application. As I mentioned in my voice-mail message, we are proposing the following Restriction Requirement in place of the pending Restriction Requirement dated November 21, 2007.

Applicants respectfully disagree with the pending Restriction Requirement. As noted in the Manual of Patent Examining Procedure (MPEP) § 803(II),

"For the purposes of the initial [restriction] requirement, a serious burden on the examiner may be *prima facie* shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02."

PLEASE CALL OUR FAX OPERATOR AS SOON AS POSSIBLE IF TRANSMISSION IS NOT COMPLETE: 202.857.6119

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RPP/220246.1
Arent Fox LLP / 1050 Connecticut Avenue, NW / Washington, DC 20036-5339 / T 202.857.6000 / F 202.857.6395 / www.arentfox.com

Examiner Hasan Syed Ahmed

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Further, as an application subject to PCT Rule 13, Applicants submit they are entitled to "an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of said product, and an independent claim for a use of the said product" for prosecution in the present application (MPEP § 1850 (III)(1)).

As such, we propose the following Restriction Requirement, wherein Applicants are required to elect: (1) one of the product groups, and (2) one of the method of use groups, and (3) election of a species for the process group:

Product (composition):

1. Claims 1-25, 36-38, directed to a solid drug delivery composition, comprising an NO-NSAID absorbed onto porous particles
2. Claims 26-27, directed to a solid drug delivery composition, comprising an NO-NSAID absorbed onto porous particles, mixed together with enteric-coated pellets comprising a H⁺, K⁺-ATPase inhibitor.

Method of use:

1. Claim 41, directed to a method for the treatment of pain
2. Claim 42, directed to a method for the treatment of inflammation

Process:

Claim 28 is a generic claim, directed to a process of producing porous particles comprising one or more NO-donating NSAID(s). Species include the processes of:

1. Claim 29
2. Claims 30 and 32
3. Claim 31
4. Claims 33-34

Thank you for your consideration. I look forward to speaking with you regarding the proposed Restriction Requirement.

Best Regards,



Yelee Kim